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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,672	08/24/2001	Ronald D. Blum	10551/213	3424
23838	7590	04/13/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER	
ART UNIT	PAPER NUMBER
04082004	

DATE MAILED:

This is a communication from the examiner in charge of your application

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed March 8, 2004 is informal/non-responsive for the reason(s) checked below and must be corrected.

APPLICANT IS GIVEN A ONE MONTH TIME PERIOD FROM THE DATE OF THIS LETTER WITHIN WHICH TO CORRECT THE INFORMALITY. EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS 37 CFR 1.136(a).

- a. ☒ The amendment to claim(s) 1-14 and 16-49, filed March 8, 2004, fails to comply with the provisions of 37 CFR 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with 37 CFR 1.121 is required. See attached.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
2. ☐ In accordance with applicant's request, **THE PERIOD FOR REPLY FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).**
No further extension will be granted unless approved by the Commissioner. 37 CFR 1.136(b).
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☐ Other:

RANDALL E. CHIN
PRIMARY EXAMINER

NOTICE TO APPLICANT

1. Applicant should note that claim 15 has been canceled and that claim 16 (indicated as “withdrawn”) depends on canceled claim 15. Correction is respectfully requested.
2. The amendment to independent claims 12, 48 and 49 includes the limitation that the tacky insert includes apertures therethrough capable of draining or dissipating water. This specific structural arrangement does not read on the elected species of Figs. 23A, 23B, 24C, 24D, 24E, 26B, 26C and 26D (“the elected embodiment”) as set forth in the Restriction requirement mailed to Applicant September 30, 2003. The elected embodiment does teach apertures 2307 in the tacky insert (Fig. 23B, 26B, 26C, 26D), however, such “apertures” are for receiving anti-slip components 2309 (Fig. 23B) to help secure the tacky insert in place in the base portion underlayer (see paragraphs [0138] and [0156]), not apparently for the function of “draining or dissipating water”. This is notwithstanding Applicant’s statement in paragraph [0181] at the end of the specification that “all of the features associated with these components, may be combined in any embodiment of the present invention” since to say that the apertures disclosed in elected Figs. 23A, 23B, 24C, 24D, 24E, 26B, 26C and 26D could also drain or dissipate water would be new matter. Also, to have apertures in addition to the apertures 2307 already shown in Fig. 23B could also constitute new matter. It should be noted that non-elected Fig. 11 does disclose apertures 300C in a tacky portion 300 which function is to actually drain or dissipate water (see paragraphs [099] and [100]).

Clarification by amendment is respectfully requested.


3. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


R. Chin


Randall Chin
Primary Examiner
Art Unit 1744